

381.9135 Leasehold condominiums. (Effective January 1, 2011)

- (1) A memorandum of lease shall be recorded with respect to any lease the expiration or termination of which may terminate the condominium or reduce its size. Every lessor of those leases shall sign the memorandum of lease, and the memorandum of lease shall state:
 - (a) The elements of recording for the lease;
 - (b) The date on which the lease is scheduled to expire;
 - (c) A legally sufficient description of the real estate subject to the lease;
 - (d) Any right of the unit owners to redeem the reversion and the manner whereby those rights may be exercised, or a statement that they do not have those rights;
 - (e) Any right of the unit owners to remove any improvements within a reasonable time after the expiration or termination of the lease, or a statement that they do not have those rights; and
 - (f) Any rights of the unit owners to renew the lease and the conditions of any renewal, or a statement that they do not have those rights.
- (2) After the declaration for a leasehold condominium is recorded, neither the lessor nor his or her successor in interest may terminate the leasehold interest of a unit owner who makes timely payment of his or her share of the rent and otherwise complies with all covenants which, if violated, would entitle the lessor to terminate the lease. A unit owner's leasehold interest is not affected by failure of any other person to pay rent or fulfill any other covenant.
- (3) Acquisition of the leasehold interest of any unit owner by the owner of the reversion or remainder does not merge the leasehold and fee simple interests unless the leasehold interests of all unit owners subject to that reversion or remainder are acquired.
- (4) If the expiration or termination of a lease decreases the number of units in a condominium, the allocated interests shall be reallocated in accordance with KRS 381.9113(1), as though those units had been taken by eminent domain. Reallocations shall be confirmed by an amendment to the declaration prepared, executed, and recorded by the association.

Effective: January 1, 2011

History: Created 2010 Ky. Acts ch. 97, sec. 18, effective January 1, 2011.